

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.)	
)	
Plaintiffs,)	
v.)	
)	
RIGGS CONSTRUCTION, INC.,)	
)	
Defendant.	)	Case No. 10 CV 02472
_____)	
	)	Judge St. Eve
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.)	
)	
Judgment Creditor,)	
v.)	
)	
CITIZENS FIRST NATIONAL BANK,)	
)	
Citation Respondent.)	

MOTION FOR TURNOVER ORDER

Plaintiffs, the Chicago Regional Council of Carpenters Pension Fund, *et al.* (“Plaintiffs” or “Trust Funds”) by and through their attorneys, Kevin McJessy and John Sopata, pursuant to Federal Rules of Civil Procedure and 735 ILCS §5/2-1401 *et seq.*, hereby move this Court to enter an order directing Citizens First National Bank (“Citation Respondent”) to turn over to the Plaintiffs \$4,979.88. In support of their motion, the Plaintiffs state as follows:

1. Judgment was entered by this Court against RIGGS CONSTRUCTION, INC., (“Defendant”) on July 12, 2010, in the amount of \$256,833.55. (Order, Exhibit A)
2. The Plaintiffs served a Citation on Citation Respondent via Certified, Return-Receipt U.S. Mail, on November 19, 2010. (Citation, Exhibit B)

3. On November 29, 2010, Citation Respondent answered the Citation by stating that it is holding \$4,979.88 in funds responsive to the Citation as of November 23, 2010.

(Answer of Third Party Respondent Citation, Exhibit C)

4. Accordingly, Plaintiffs request that the Court enter a turnover order directing that Citation Respondent be directed to turn over \$4,979.88 to the Plaintiffs, and ordering that the remaining balance of the judgment dated July 12, 2010, and other terms of the judgment stand.

A draft order is attached hereto as Exhibit D.

WHEREFORE, the Trust Funds respectfully request that the Court enter an order:

- a) ordering Citizens First National Bank turn over to the Chicago Regional Council of Carpenters Pension Fund *et al.* the sum of \$4,979.88;
- b) that upon compliance with this Court's Order, the Citation against Citizens First National Bank in dismissed; and
- c) granting such other relief as the Court deems just and appropriate.

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND, et al.,

By: s/ John J. Sopata
One of Their Attorneys

Kevin P. McJessey
John J. Sopata, Of Counsel
McJESSEY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260 (telephone)
(773) 880-1265 (facsimile)

CERTIFICATE OF SERVICE

I, Kevin P. McJessey, an attorney, certify that I caused the foregoing **Motion For Turnover Order** to be served upon

TO: Citizens First National Bank
128 South Depot Street
Somonauk, IL 60552

Via U.S. First Class Mail

Ms. Phyllis Sledgister
Citizens First National Bank
606 South Main Street
Princeton, IL 61356-2080

Via U.S. First Class Mail

Eric Riggs, President
Riggs Construction, Inc.
240 North 2550th Road
Peru, IL 61354-9609

Via U.S. First Class Mail

by having a true and correct copy placed in U.S. Mail Depository at 3759 N. Ravenswood, Chicago, Illinois, postage prepaid, on this 2nd day of December, 2010.

s/ John J. Sopata

John J. Sopata

10 CV 2472

Exhibit A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND et al.,)	
)	
Plaintiffs,)	
v.	)	10 CV 02472
)	
RIGGS CONSTRUCTION, INC., an Illinois	)	Judge St. Eve
corporation,)	
)	
Defendants.)	
)	
)	

JUDGMENT ORDER

WHEREAS, the Chicago District Council of Carpenters Pension Fund, et al. ("Trust Funds") filed their Complaint against RIGGS CONSTRUCTION, INC., ("Defendant") and obtained Service of Summons on Defendant on May 16, 2010, and filed the Affidavit of Service on June 4, 2010;

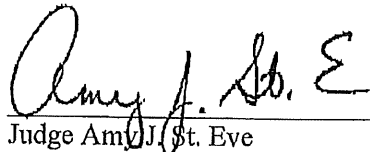
WHEREAS, Defendant has failed to appear, answer or otherwise plead;

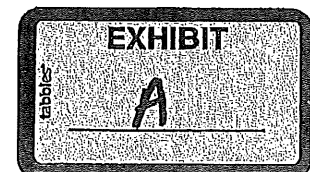
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, upon motion of the Trust Funds for entry of a default judgment pursuant to Federal Rule of Civil Procedure 55 and for good cause shown as set forth in the Trust Funds' motion and supporting declarations, judgment is entered in favor of the Trust Funds and against Defendant in the amount of \$256,833.55, which is comprised of \$298,299.34 pursuant to the Settlement Agreement, plus total attorneys' fees and costs of \$1,928.17 incurred by the Trust Funds in connection with their efforts to enforce the terms of the Settlement Agreement, less \$43,393.96 previously paid under the Settlement Agreement.

IT IS FURTHER ORDERED that the Defendant shall pay the Trust Funds any additional attorneys' fees incurred in collecting amounts due under this judgment order;

IT IS FURTHER ORDERED that the Trust Funds have such other relief as the Court deems just and equitable.

July 12, 2010
Date


Judge Amy J. St. Eve



10 CV 2472

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND et al.,)	
)	
Plaintiffs,)	
v.	)	10 CV 02472
)	
RIGGS CONSTRUCTION, INC., an Illinois	)	Judge St. Eve
corporation,)	
)	
Defendants.)	

CITATION NOTICE

Court:	United States District Court for the Northern District of Illinois, Eastern Division, 219 South Dearborn Street, Chicago, IL 60604
Case:	<i>Chicago Regional Council of Carpenters Pension Fund, et al., Judgment Creditors v. Riggs Construction, Inc.</i> , Case 10 CV 02472
Judgment Debtor:	Riggs Construction, Inc.
Counsel for Judgment Creditor:	Kevin P. McJessy, MCJESSY, CHING & THOMPSON, LLC 3759 North Ravenswood, Suite 231, Chicago, Illinois 60613
Amount of Judgment:	\$256,833.55
Name of Party Receiving Citation:	Citizens First National Bank, 128 South Depot Street, Somonauk, IL 60552
Date and Time of Citation:	December 10, 2010, at 4:00 p.m.
Location of Citation:	MCJESSY, CHING & THOMPSON, LLC 3759 North Ravenswood, Suite 231, Chicago, Illinois 60613

NOTICE: The Court has issued a citation against the party named above. The citation directs that party to appear to be examined for the purpose of allowing the Judgment Creditor to discover income and assets belonging to the Judgment Debtor or in which the Judgment Debtor has an interest. The citation was issued on the basis of a judgment against the Judgment Debtor in favor of the Judgment Creditor in the amount stated above. On or after the date stated above, the Court may compel the application of any discovered income or assets toward payment on the judgment.

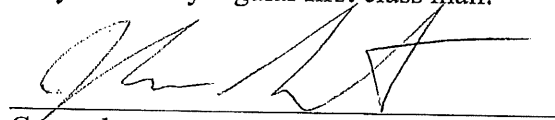
The amount of income or assets that may be applied toward the judgment is limited by federal and Illinois law. The JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR

WHICH MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED ABOVE:

- 1) Under Illinois or federal law, the exemptions of personal property owned by the debtor include the debtor's equity interest, not to exceed \$4,000 in value, in any personal benefits; as chosen by the debtor; Social Security and SSI benefits; public assistance benefits; unemployment compensation benefits; worker's compensation benefits; veteran's benefits; circuit breaker property tax relief benefits; the debtor's equity interest, not to exceed \$2,400 in value, in any one motor vehicle; and the debtor's equity interest, not to exceed \$1,500 in value, in any implements, professional books, or tools of the trade of the debtor.
- 2) Under Illinois law, every person is entitled to an estate in homestead, when it is owned and occupied as a residence, to the extent in value of \$15,000, which homestead is exempt from judgment.
- 3) Under Illinois law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage.
- 4) Under federal law, the amount of wages that may be applied toward a judgment is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.
- 5) Pension and retirement benefits and refunds may be claimed as exempt under Illinois law.

The Judgment Debtor may have other possible exemptions under the law.

THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The Judgment Debtor also has the right to seek a declaration at an earlier date, by notifying the clerk in writing at U.S. Clerk of Court, 219 S. Dearborn St., Chicago, IL 60604. When so notified, the Clerk of Court will provide a hearing date and the necessary forms that must be prepared by the Judgment Debtor or the attorney for the Judgment Debtor and sent to the Judgment Creditor regarding the time and location of the hearing. This notice may be sent by regular first class mail.


Counsel

Kevin P. McJessey
John J. Sopata, of Counsel
MCJESSY, CHING & THOMPSON, LLC
3759 Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND et al.,)	
)	
Plaintiffs,)	
v.	)	10 CV 02472
)	
RIGGS CONSTRUCTION, INC., an Illinois	)	Judge St. Eve
corporation,)	
)	
Defendants.)	

CITATION TO DISCOVER ASSETS

TO: Citizens First National Bank
128 South Depot Street
Somonauk, IL 60552

YOU ARE HEREBY COMMANDED to appear at McJessy, Ching & Thompson, LLC, 3759 N. Ravenswood, Suite 231, Chicago, Illinois, 60613, on December 10, 2010, at 4:00 p.m. to be examined under oath before a certified court reporter to discover assets or income not exempt from the enforcement of the judgment.

Judgment was entered against Riggs Construction, Inc., ("Judgment Debtor") on July 12, 2010, of which \$256,833.55 plus interest remains unsatisfied. A copy of the judgment is attached hereto as **Exhibit A**.

YOUR FAILURE TO APPEAR AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT.

YOU ARE COMMANDED to produce at the examination documents described in the Rider attached as **Exhibit B** and all books, papers, or records in your possession or control which may contain information concerning the property or income of Judgment Debtor.

YOU ARE PROHIBITED from making or allowing any transfer or other disposition of, or interfering with, any property not exempt from execution or garnishment belonging to the Judgment Debtor or to which the Judgment Debtor may be entitled or which may be acquired by or become due to the Judgment Debtor and from paying over or otherwise disposing of any money not so exempt, which is due or becomes due to the Judgment Debtor, until further order

of Court or termination of the proceedings, whichever occurs first. You are not required to withhold the payment of any money beyond double the amount of the judgment that remains unsatisfied.

WITNESS _____, 2010

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

J. Nuñez

DEPUTY CLERK

11-19-10
Date

Kevin P. McJessey
John J. Sopata, of Counsel
MCJESSEY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260 (telephone)
(773) 880-1265 (facsimile)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF
CARPENTERS PENSION FUND et al.,

Plaintiffs,

v.

RIGGS CONSTRUCTION, INC., an Illinois
corporation,

Defendants.

)
)
)
)
) 10 CV 02472
)
) Judge St. Eve
)
)
)
)
)

JUDGMENT ORDER

WHEREAS, the Chicago District Council of Carpenters Pension Fund, et al. ("Trust Funds") filed their Complaint against RIGGS CONSTRUCTION, INC., ("Defendant") and obtained Service of Summons on Defendant on May 16, 2010, and filed the Affidavit of Service on June 4, 2010;

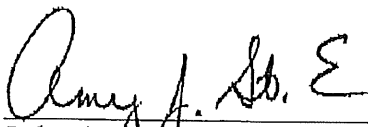
WHEREAS, Defendant has failed to appear, answer or otherwise plead;

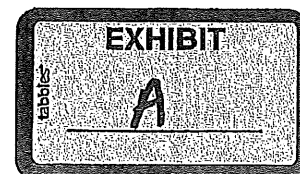
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, upon motion of the Trust Funds for entry of a default judgment pursuant to Federal Rule of Civil Procedure 55 and for good cause shown as set forth in the Trust Funds' motion and supporting declarations, judgment is entered in favor of the Trust Funds and against Defendant in the amount of \$256,833.55, which is comprised of \$298,299.34 pursuant to the Settlement Agreement, plus total attorneys' fees and costs of \$1,928.17 incurred by the Trust Funds in connection with their efforts to enforce the terms of the Settlement Agreement, less \$43,393.96 previously paid under the Settlement Agreement.

IT IS FURTHER ORDERED that the Defendant shall pay the Trust Funds any additional attorneys' fees incurred in collecting amounts due under this judgment order;

IT IS FURTHER ORDERED that the Trust Funds have such other relief as the Court deems just and equitable.

July 12, 2010
Date

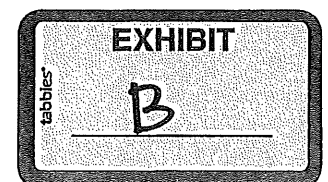

Judge Amy J. St. Eve



RIDER TO CITATION TO DISCOVER ASSETS

You are hereby commanded to produce the following documents at the citation examination:

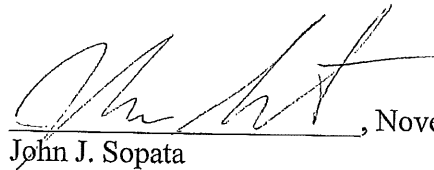
1. all documents showing any money owed to the Judgment Debtor whether due, overdue or not yet due to the Judgment Debtor or any other legal entity which the Judgment Debtor owes or retains a beneficial interest in;
2. all documents showing Judgment Debtor's ownership or right to money or other assets for the period of January 1, 2008, through the present, together with documents related to any loans secured by said property;
3. all documents showing Judgment Debtor's ownership or right to money or other assets pursuant to a trust or other agreement for the period of January 1, 2008, through the present, together with documents related to any loans secured by said property;
4. all documents concerning Citizens First National Bank account number 6481701 for the period of January 1, 2008, through the present, together with documents related to any loans secured by said account;
5. all documents concerning any account solely or jointly in the name of Riggs Construction, Inc., for the period of January 1, 2008, through the present, together with documents related to any loans secured by said account; and
6. all documents concerning any account connected to federal taxpayer identification number 36-4289664, for the past year, together with documents related to any loans secured by said account.
7. If said account was closed prior to January 1, 2008, the last three (3) bank statements.



CERTIFICATE OF ATTORNEY

In the United States District Court for the Northern District of Illinois, Eastern Division on July 12, 2010, a judgment in the amount of \$256,833.55 was entered in favor of The Chicago Regional Council of Carpenters Pension Fund, et al. and against Riggs Construction, Inc., in Case No. 10 CV 02472 which remains unsatisfied.

I, the undersigned certify to the Court, under penalties as provided by law pursuant to the laws of the United States that all information stated herein is true.


_____, November 18, 2010
John J. Sopata

Kevin P. McJessey
John J. Sopata, of Counsel
McJESSY, CHING & THOMPSON, LLC
3759 North Ravenswood, Suite 231
Chicago, Illinois 60613
(773) 880-1260 (telephone)
(773) 880-1265 (facsimile)

10 CV 2472

Exhibit C



606 SOUTH MAIN STREET
PRINCETON, IL 61356-2080
PHONE: (815) 875-4444
FAX: (815) 872-0247
www.citizens1st.com

Attorney Kevin P McJessy
Attorney John J Sopata
McJessy, Ching & Thompson, LLC
3759 North Ravenswood, Ste 231
Chicago, IL 60613

November 29, 2010

RE: Citation to Discover Assets – Riggs Construction Inc
Case No. 10cv02472

Attorney McJessy and Attorney Sopata:

This letter serves as our response to the Citation to Discover Assets served on Citizens First National Bank for assets belonging to Riggs Construction, Inc. There is a checking account in the name of Riggs Construction, Inc maintained at Citizens First National Bank. The banking relationship began in March 2010. Enclosed are screen prints identifying the customer information file (CIF) was opened and last maintained on 3/19/2010 as well as the TIN activity date representing the date on which the TIN was entered on the system. The signature card shows the checking account was opened 3/19/10 which is also the date on the corporate resolution on file. We are providing the documents previously mentioned with the addition of monthly bank statements beginning with March 31, 2010 through October 31, 2010. Also included are deposit tickets and checks paid out of the account. We do not have a loan relationship with Riggs Construction, Inc.

We are currently holding \$4,979.88 for this legal order. That is the amount in the account when the citation was received. There has been no further deposit or account activity to date. Until further order from the court, items presented for payment will be returned "Account Frozen".

Please do not hesitate to contact us if you have any questions or concerns regarding this matter.

Sincerely,

Phyllis Sledgister
Deposit Operations Officer

Enclosures

10 CV 2472

Exhibit D

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.)	
)	
Plaintiffs,)	
v.)	
)	
RIGGS CONSTRUCTION, INC.,)	
)	
Defendant.	)	Case No. 10 CV 02472
<hr/>		
	)	Judge St. Eve
CHICAGO REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, et al.)	
)	
Judgment Creditor,)	
v.)	
)	
CITIZENS FIRST NATIONAL BANK,)	
)	
Citation Respondent.)	
)	

TUNROVER ORDER

WHEREAS, the U.S. Clerk of Court issued a Citation to Discover Assets to Citizens First National Bank based on a judgment entered in this matter against Riggs Construction, Inc., (“Defendant”) in favor of the Chicago Regional Council of Carpenters Pension Fund et al. (“Plaintiffs”) on July 12, 2010;

WHEREAS, Citizens First National Bank responded to the Citation on November 29, 2010, stating that it was holding \$4,979.88 pursuant to the Citation;

WHEREAS, Plaintiffs are owed \$256,833.55;

IT IS HEREBY ORDERED:

- A. that Citizens First National Bank shall turn over to the Chicago Regional Council of Carpenters Pension Fund, et al. the amount of \$4,979.88 within seven (7) days of receipt of a copy of this Order;
- B. that counsel for the Plaintiffs shall serve a copy of this Order on Citizens First National Bank Citizens First National Bank; and

- C. that upon compliance with this Order, the Citation against Citizens First National Bank is dismissed.

Dated: _____

Judge St. Eve